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May 15, 2007

**BY HAND**

Honorable Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

MEMO ENCL 1320

Re: David Fernandez v. City of New York, et al., 07 CV 3495 (SHS)

Dear Judge Stein:

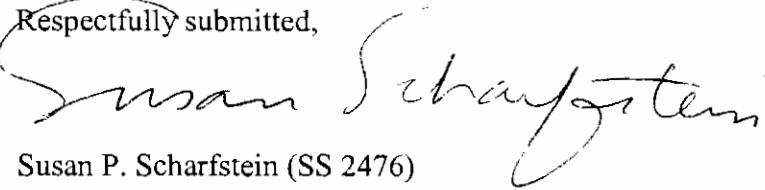
I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant City of New York in the above-referenced action. Defendant respectfully requests that the time to respond to the complaint be extended by sixty days from the current due date of May 22, 2007, to July 23, 2007, and that the initial conference now set for June 22, 2007, at 10:30 a.m., be scheduled for a date after issue has been joined. I have been unable to reach plaintiff's counsel by telephone to discuss his consent to these requests.

There are several reasons for seeking an enlargement of time. In keeping with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. It is our understanding that the records of the underlying matter, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office has forwarded to plaintiff for execution a consent and authorization for the release of sealed records so that defendants can access the information, properly assess the case, and respond to the complaint. As plaintiff has named no individual defendants in this action, we need these records in order to access any information concerning the incident alleged in the complaint. Further, plaintiff has alleged physical injury as a result of the events of which he complains and, accordingly, this office is in the process of forwarding to plaintiff's counsel a consent and authorization for the release of medical records for treatment received as a result of the alleged incident.

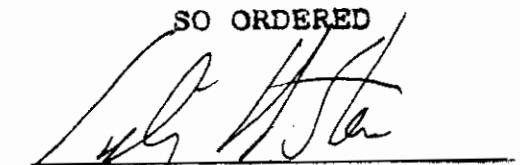
No previous request for an extension of time to respond to the complaint has been made. Accordingly, we respectfully request that defendants' time to answer or otherwise respond to the complaint be extended to July 23, 2007, and that the initial conference now set for June 22, 2007, at 10:30 a.m., be adjourned to a date thereafter. adjourned to July 26, 2007,  
at 10:00 a.m.

Thank you for your consideration herein.

Respectfully submitted,

  
Susan P. Scharfstein (SS 2476)

cc: Anthony Cecutti, Esq.  
Romano & Kuan, PLLC  
100 Lafayette Street, Suite 401  
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(by hand)

  
SO ORDERED  
SIDNEY H. STEIN  
U.S.D.J.